

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL PONTING and JUDY WONG,

Plaintiffs,

No. C 12-06442 WHA

v.

LOWE'S HIW, INC.,

Defendant.

**ORDER RE MOTION TO
CONTINUE TRIAL AND
COMPEL DISCOVERY**

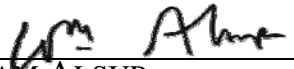
Defendant Lowe's HIW, Inc., moves to continue the March 17 trial date and re-open discovery due to alleged misconduct by plaintiff Michael Ponting and plaintiffs' counsel. Defendant claims that Ponting failed to disclose that he had tripped and was transported to the emergency room at San Francisco General Hospital in August 2011. Moreover, defendant argues that Ponting withheld important medical information from his expert witnesses and failed to provide written disclosures for his non-retained expert witnesses, among other alleged problems.

A hearing on all of these issues will be held on **FEBRUARY 19, 2014, AT 8:00 A.M.** Plaintiffs must file a response to this motion by **NOON ON FEBRUARY 13**. Defendant must file a reply by **NOON ON FEBRUARY 17**. At the hearing, both parties must be prepared to identify and address all issues properly raised. The parties are further ordered to bring all necessary materials to get to the bottom of defendant's allegations of misconduct. In the meantime, the trial date stands and the parties must file all pretrial materials on time.

1 Defendant must explain why it waited to depose Doreen Casuto, R.N., until *after* the
2 close of discovery. Defendant must also be prepared to identify all information it seeks to
3 supplement discovery and exactly how that information would be obtained. Plaintiff and
4 plaintiff's counsel must address why they did not disclose the August 2011 fall.

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6 **IT IS SO ORDERED.**

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8 Dated: February 7, 2014.


9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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